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AUTHOR Mayrowetz, David; Pennell, James R.
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ABSTRACT

In the last decades, a number of states have passed legislation identifying the conditions under which state officials can and should intervene in the operation of school districts. This paper uses a grounded qualitative approach to develop a lexicon of concepts and a framework for comparing intervention laws across states. The paper analyzes the intervention laws and available regulations of 17 states. For each state, the paper identifies the areas of laws and regulations that are targeted for state oversight, the mechanisms that trigger intervention, the types of state intervention mandated, the responses required of districts, and the conditions specified for release from intervention. It also examines the various time frames required for certain actions and the degree of discretion allowed state officials. A comparative matrix summarizes how these features vary across states in three phases of the intervention process. The conclusion discusses three general types of state-district authority relations represented in the laws--authoritarian, collaborative, and democratic--and offers possible directions for further inquiry. Five tables are included. (Contains 13 references.) (LMI)

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A NATURALISTIC INQUIRY OF ENVISIONED WORLDS: CONCEPTUALIZING AND CLASSIFYING STATE INTERVENTION LAWS

David Mayrowetz & James R. Pennell
Graduate School of Education Dept. of Sociology

Rutgers University
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Abstract

In the last decade, a number of states have passed legislation identifying the conditions under which state officials can and should intervene in the operation of school districts. These laws, and the regulations they generate, also specify how interventions are to be conducted. Little conceptual or empirical work has been done to map this legal terrain for educational policymakers and policy researchers. In this paper, we use a grounded qualitative research strategy to develop a lexicon of concepts and a framework for comparing intervention laws across states. First, we explain why this work is needed and the method used. Then we analyze the intervention laws and available regulations of 17 states. For each state we identify the areas the laws and regulations target for state oversight, the mechanisms that trigger state intervention, the types of state intervention mandated, the responses required of districts, and the conditions specified for release from intervention. We also examine the various time frames required for certain actions and the degree of discretion allowed state officials. A comparative matrix summarizes how these features vary across states in three phases of the intervention process. We conclude with discussions of three general types of state-district authority relations represented in the laws and possible directions for further inquiry.

A NATURALISTIC INQUIRY OF ENVISIONED WORLDS: CONCEPTUALIZING AND CLASSIFYING STATE INTERVENTION LAWS

What are commonly referred to as "takeover laws" (Hendrie, 1996) are a relatively recent and extreme example of state regulation over local education. For many years, state governments have struggled to find ways of increasing the effectiveness of under-performing schools. Spurred by court interpretations of state constitutions and general concerns with accountability in education, a growing number of states legislatures have passed laws specifying criteria and procedures for state intervention into school districts (Fuhrman & Elmore, 1992). Not surprisingly, these laws are as diverse as the states in which they apply. However, the term "takeover" itself fails to capture the various types of state interventions that are spelled out in these laws. For purposes of this study, we use the word "intervention" to describe any action prescribed by law where a state becomes involved in a district to remedy an identified problem.

State interventions are an under-studied area and members of the educational community have noted that state officials have "little research to draw on for guidance." (Hendrie, 1996, p. 13) The current research on state takeovers (e.g., Dolan-Dabrowski, 1992; Fry, Fuhrman and Elmore, 1992) primarily examines the interpretation, implementation, and/or consequences of relevant laws in particular states. These studies are the progeny of earlier policy research which focused on broader issues of educational regulation, (for example, Kagan's [1986] exploration of the negative effects of strict compliance requirements). Lacking in these works is a conceptual framework or analysis of state intervention laws themselves. Detailed systematic conceptualizations of the laws are few and are limited to single states (e.g., Hyman, 1995).

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This paper attempts to fill the gap in the literature, i.e., to identify and classify the characteristics of the existing intervention laws and conduct a comparative analysis. We view this analysis as a needed first step prior to comparing the effectiveness or consequences of interventions across states, since pertinent laws vary as a result of the different experiences, interests, and concerns found within each state. Our analysis should also help educational researchers locate and frame their evaluations of individual cases of state intervention in relation to others. Ultimately, we hope this research will contribute to identifying reasonable and effective strategies for state interventions in local districts.

In the following, we first explain our data collection method and analytic approach. We then conduct a comparative analysis of the laws of seventeen states. Specifically, we identify the areas addressed by the laws, the various types of intervention cited, the time frames mandated, and the degree of state discretion provided. Then, we connect these approaches with more general conceptions of authority relations. We conclude by considering possible lines of further inquiry.

Theoretical Perspective: Laws as Envisioned Experiences

In an attempt to find a suitable perspective for this study, we looked to the fields of educational policy and the sociology of law. However, theoretical formulations in both areas were lacking. As noted above, policy researchers focus their attention on the issues of implementation and consequences of educational regulations. Similarly, most sociological studies of law are concerned with how it is created, interpreted, and used in concrete settings to

define and shape social action. Others examine the broader social consequences of law. The actual text of law is rarely the focus of study among researchers in either field.

Drawing on Grace and Wilkinson's (1978) argument that law is best viewed as a "categorization of experience," we treat law as a set of categories representing an "envisioned" world or set of experiences. Laws attempt to define and specify relevant agents and objects. They also prescribe and proscribe a range of possible actions and goals. Since little groundwork has been done analyzing intervention laws, we adopt an interpretive approach commonly used in the exploratory research of social phenomena.

Methods

Data Collection

Before initiating the data collection process, we decided to narrow our study to state intervention laws that address problems of poor student academic performance. We chose not to include laws solely concerned with fiscal mismanagement.[1] In determining which states had intervention statutes and regulations relating to non-fiscal matters, we contacted the Education Commission of the States (ECS) and received a list of those states who had such laws. Using the Lexis/Nexis on-line legal research service, we collected the statutes of 18 of the 20 states and the complementary regulations from 5 of those 18. Statutes were found by using the service's boolean search function or by scanning a table of contents of a particular state's law. Key words used included education, schools, takeover, accountability, accreditation, standards, or some combination of these terms. Once we obtained a "hit," a browse function allowed us to flip through the text of the law and download all pertinent sections. Not all state regulations were

available via this on-line service. However, for those states whose regulations were accessible, we employed a keyword search using the name of the statute to find them. Again, a browse function enabled us to collect all relevant sections of text. At the end of each on-line session, the statutes and regulations were downloaded onto a computer diskette and printed. We reviewed the data to ensure that all relevant sections were in our possession. Missing sections were retrieved at a later date using the same techniques.

This paper is based on the examination of 17 states mentioned on the list provided by ECS. We excluded three states on the ECS list from our analysis: Illinois, New York, and Kentucky. An Illinois law provided the mayor of Chicago with broad powers over city schools, which we treated as an extraordinary case within that state that did not directly address state-district relations. We found nothing in the New York statutes despite repeated efforts.[2] At present, the Kentucky statute enabling state intervention has expired. In addition to these three states, for purposes of comparability we did not include states whose intervention laws only addressed state-school relations and bypassed districts (e.g., Maryland).

Data Analysis

To analyze the laws, we adopted an approach informed by "naturalistic" or "grounded" methods (Lincoln & Guba, 1985; Strauss & Corbin, 1990). These methods are useful for developing an analytic framework because they encourage the researcher to explore his/her assumptions that often remain implicit in other approaches (Strauss & Corbin, 1990, p. 49). Specifically, we treated legal texts as if they were field data or interview transcripts where the meanings are not viewed as self-evident. We used an iterative process of open coding, categorizing, recoding, and axial coding or recategorizing relevant passages of laws and

regulations (Strauss & Corbin, 1990). First, we open-coded text and generated descriptive terms that held closely to the language used in the laws and regulations. Then, we grouped terms that appeared to address similar phenomena, revising labels and reorganizing groups to account for terms that did not fit with our tentative classification schemes. Through this process, we developed fairly standard and mutually exclusive descriptive terms for particular phenomena (e.g., positions, procedures, processes). For example, "student behavior" is a term that encompasses a variety of behavior indicators such as attendance, dropout and suspension rates. We also developed a complete typology and lexicon for all intervention actions.

Following this descriptive process, we developed broader categories that we could use to classify the descriptive terms for particular phenomena. For example, we identified various grounds for initiating state actions, labeling these "triggering mechanisms." Many states had a series of specified steps from the initial phenomenon triggering the intervention process to the final action. By dividing the intervention process into initial, middle, and final phases, we could compare across states at a particular phase of intervention to assess the prevalence of particular approaches. The laws varied in terms of the types of interventions specified, their sequencing, the discretion granted to state boards and departments of education, and other characteristics examined below.

Finally, we pushed our analysis to a more conceptual level where we identified different types of authority relations. Drawing on literature from administration and supervision, we explored the implications of these different strategies in light of the limited information available on intervention outcomes.

Findings

An analysis of these laws reveals the differentiation that one might expect in a federal system. The critical categories that emerged from the data are: the areas addressed, intervention actions specified, assistance provided to districts, time frames allowed for actions, and the degree of state discretion. Table 1 summarizes our findings in the form of a comparative matrix.

Areas Addressed by Intervention Laws

Generally, state legislatures develop intervention laws to respond to perceived problems in the following four domains: minimum compliance with regulations, academic performance, student behavior, administrative and/or fiscal management. A few statutes speak to all four of these areas, thus we refer to them as "comprehensive" laws. Also some state laws contain what we term, "et cetera clauses" which grant state authorities broad discretion in determining whether and why a district requires intervention. The areas addressed by each specific state are identified in Table 2.

At the most basic level, interventions can be triggered when districts fail to comply with state regulations governing the daily operation or curriculum content. Such regulations include requirements that high school students complete a minimum number of units in U.S. History and government (Iowa) or that districts employ a certain number of librarians per student (Mississippi). Some laws make provisions for the state departments of education to intervene when non-compliance is indicated by accreditation audits which normally consist of desk monitoring, i.e., a document review.

Academic performance is the most prevalent area addressed; 16 of the 17 states justify intervention on these grounds. Iowa is the lone exception. Not surprisingly, most of the laws

define student performance as measured by an assortment of student assessments. The assessments range from the SAT or ACT (Texas), to national norm-referenced testing (Florida) to a specific state testing program (South Carolina). Most of these statutes and regulations specify that a certain percentage of students must meet or exceed a threshold percentile level or passing rate for districts to be deemed academically acceptable. In some states, districts are flagged only when the fail to meet thresholds for repeated years. Presumably, this strategy is employed to avoid intervention when problems are unusual or short term, e.g., particularly low achieving student cohorts or other temporary aberrations.

Student behavior indicators are mentioned in eight of the 17 states, with student attendance and dropout rates the most common behaviors cited. One state, Oklahoma, includes suspension rates as a factor considered prior to intervention.

Some laws and regulations require the examination of administrative practices such as the documentation of student enrollment and planning for facilities maintenance (e.g., New Jersey). New Mexico's simply referred to the "functional feasibility of public school and school district organization" (N. M. Stat. Ann. @ 22-2-2, V). Since the focus of this paper is on state interventions for non-financial reasons, the laws in this sample tend not to cite the administration of fiscal matters as a criteria for state involvement. Despite our selectivity, four states' intervention laws specifically note that fiscal concerns must be reviewed. For example, Georgia law requires an evaluation of the accuracy of district fiscal procedures. Similarly, the general financial condition of districts in Alabama and Arkansas are subject to consideration.

Comprehensive laws—statutes that address all four of the aforementioned domains--are in place in six states. They are Georgia, Massachusetts, New Jersey, Oklahoma, Texas, and West

Virginia. Similarly, four states, Massachusetts, Oklahoma, South Carolina, and Texas contain "et cetera clauses" which grant state authorities unlimited latitude in justifying the initiation of interventions in their school districts.

Types of Intervention

We define an intervention as any action dictated by law whereby a state department of education or board becomes involved with a district to address perceived or alleged deficiencies. Our examination revealed a variety of interventions that currently exist in these statutes, including the provision of assistance, development of corrective action plans (CAP), and final interventions.

Certain interventions were more common at the different phases of the intervention process. Generally, assistance and corrective action plans are more prevalent in the initial and middle phases. In the final phase, more intrusive actions are common.

Assistance. By assistance, we mean the provision of resources intended to help the district correct its own problems. The laws and regulations studied primarily referred to three types of assistance: technical, financial, and deregulatory. Technical assistance was often referred to without elaboration, but seemed to indicate the provision of expert information and advice on a range of matters related to administration and instruction. These areas include evaluation and problem identification, the development of CAPs, and their implementation. Table 3 summarizes the prevalence and types of assistance provided to districts at different phases of the intervention process.

Financial assistance was specified in three states (Oklahoma, Missouri, North Carolina). In Missouri, the state department of education was required to provide funds, subject to their availability, to cover the cost of the district's CAP.

The laws providing for exemptions or waivers from state regulations (North Carolina and Ohio) framed these in terms of offering flexibility to ease the implementation of CAPs. These laws suggest an assumption that standard or common practices of schooling could not address the variety of circumstances and problems these identified districts might face, therefore unconventional practices might be warranted.

Of the three types, technical assistance provided by the state was most commonly mentioned. Almost half (8) of the laws and regulations made some provision for state technical assistance, and the large majority of these (5) were specified in the initial phases of intervention. Only Mississippi's law mentioned using university experts to assist districts.

Of note, the law in North Carolina was the only one addressing all three types. It requires that the state department of education provide technical and financial assistance and includes provisions for districts to be granted waivers from some regulations.

Our identification of assistance in the earlier phases of the intervention process is, to some extent, due to our use of the term to indicate support for the district rather than a more intrusive action directly usurping authority from district administrators. Technical and financial assistance are also likely to be embedded in situations where the state plays a more prominent role in determining changes. For example, some states (e.g., New Jersey) mandate that the state pay for an expert report identifying district problem areas that the district then uses to develop a CAP (sometimes in conjunction with the state department or experts). In Arkansas, experts

assist the state in developing a CAP if the implementation of a state-assisted district corrective action plan is deemed insufficient.

Corrective Action Plans. We found initial interventions, in general, consist of the generation of plans and reports. The 17 laws mandate that 22 plans, 4 reports, and 1 investigation are produced in the initial and middle stages of the overall intervention process. Eleven different combinations of agents were designated to contribute in some capacity to the development of CAPs. We collapsed the eleven permutations into three more general categories, district-guided plans, state-guided plans, and district-state-collaborative plans.

Table 4 summarizes the prevalence of plans at different phases of the intervention process. District-guided plans are mandated much more frequently in the initial phase while state-guided plans are ordinarily a middle phase phenomenon. Tennessee is the only state where officials are charged with bringing forward a plan for a district to implement immediately upon its classification as in need of intervention. Collaborative plans are essentially evenly distributed over the initial and middle stages.

Four state laws mandate the generation of reports as a type of intervention--New Jersey, Massachusetts, Iowa, and Missouri. All references to reports in the laws require the contribution of outside (university) experts or educators. The development of these reports is either state-guided or in the case of Missouri, a result of district and state collaboration. We found no instances of districts developing reports on their own. Additionally, only one state law, New Jersey, describes an investigation process as separate from the generation of a plan or report. New Jersey's law directs the assistant commissioner to lead a "Comprehensive Compliance Investigation" to identify conditions that preclude district improvement.

New Jersey is also an outlier in terms of the number of interventions required by law. All other states require one or two actions before the state imposes a final intervention, except for New Mexico which specifies no required actions between the initial trigger and the imposition of a strong state response. New Jersey's law specifies at least four and sometimes five initial and middle phase interventions.

Final Interventions. The most controversial and varied actions required occur in the final phase of the intervention process. We found ten types of intervention specified in this final stage. We classified them as financial threat, suspension of tenure rights, financial penalty, oversight, removal, functional replacement, replacement, student transfer, annexation, and unspecified powers.

Four of these interventions--oversight, removal, functional replacement, and replacement--refer to actions taken against prominent district officials, such as superintendents and members of local boards of education. These interventions constitute what are commonly referred to as "takeovers." Oversight is the mildest of the four actions, specifying that the state authorities or their designee(s) monitor the actions of district officials. An overseer has veto power in the district and reports directly to a chief state school officer. Removal refers to the process of ousting district administrators or board members from office but allowing them to be replaced through standard procedures. For example, in Missouri a local board of education might be recalled but voters are charged with the task of replacing them. On the other hand, functional replacement means that the district personnel remain in office but their job functions are assumed by state or state-appointed individuals. Lastly, replacement describes the act of removing district officials and substituting them with state or state-appointed personnel.

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Table 5 summarizes the distribution of possible final interventions among the states. The most commonly specified actions were functional replacement of both the superintendent and the board of education (7 states) and removal of both of these two parties (3 states). Replacement, is only mentioned in the laws of Tennessee, Arkansas, and New Jersey. In Tennessee, if the CSSO (chief state school officer) removes *all* board of education members, he/she must replace them until the next general election. In Arkansas, replacement is one option along with removal and functional replacement. Only in New Jersey is replacement specified as the only course of action in the final stage of intervention.

Annexation, that is, the dissolution and merging of a school district merged with its neighbor(s), was also a frequent final intervention option (5 states). With the exception of Texas, the states whose laws include this option may have troubled districts in rural areas exclusively. Two laws (Alabama and Oklahoma) contained "et cetera clauses" for state authorities to exercise whatever powers they deem necessary to address district distress. Notably, there were two instances of laws requiring the state department of education's to offer assistance during the final stage as well (Oklahoma and South Carolina, see Table 3).

Some of the final interventions are acts that bring the intervention process to a definite end. Annexation and removal are two examples. Only three states specify these types as the only courses of action available (Georgia, Missouri, Tennessee). Conversely, other final interventions such as functional replacement or replacements are acts that do not imply an endpoint. In over a third of the states where these options exist, conditions for release are not clear or specified (Arkansas, Florida, Mississippi, New Mexico, Oklahoma, West Virginia).[3] Four states require districts to fully remedy the conditions that triggered state intervention

(Massachusetts, New Jersey, North Carolina, South Carolina). Districts in the remaining four states (Alabama, Iowa, Ohio, Texas) must demonstrate some progress toward meeting standards, but what constitutes is not defined.

Time Frames

Still more differences exist among states in terms of the time frames for moving through the various phases of intervention. Generally, time frames for developing corrective action plans (usually produced in the initial phase) range from sixty days (North Carolina, New Jersey) to one year (Alabama). The period of time allowed for implementation of a CAP and evaluation before the next step in the overall intervention process varies from 6 months (South Carolina) to 3 years (Florida), with 2 years being the mode. While some laws make reference to school calendars, most standardize the response times in days, months and years. Only Mississippi and Iowa allow these time frames to be negotiated. Time frames during the middle phase are similar to those in the initial phase.

In the majority of states, time frames specified in the initial and middle phases determine how soon the state can implement final intervention options. Time frames are not always provided in states where multiple options, including takeovers, are available early in the intervention process (Texas, Oklahoma). In Texas, for example, a district has at least one year before the state can appoint a board of trustees to functionally replace the local school board and two years before the state can annex the district into adjoining district(s). Oklahoma's statute is similarly constructed but does not include such time frames.

While many of the state laws and regulations provide time frames for various state and district actions leading up to final intervention, only New Jersey's law requires the state to operate a district for a minimum time period (5 years) before release.

Degree of State Discretion

Finally, intervention laws varied substantially in the degree of discretion granted to state departments of education or state boards. As previously mentioned, four states (Georgia, Massachusetts, Oklahoma, and Texas) provided what we referred to as "et cetera" clauses that left the areas subject to state surveillance open to discretion. Similarly, options among intervention actions are also frequently left up to state officials' choice. The laws of Arkansas, Texas, and Oklahoma furnish state officials with broad ranges of actions available in dealing with identified districts. Two states (Florida and Oklahoma) also have "et cetera clauses," granting state officials authority to act in any way they see fit, presumably within constitutional limits.

Differences in discretion can also be observed among states when comparing initial and final phases. In the initial phase, fourteen laws specified a single type of intervention. In contrast, only six laws restricted final interventions to one option.

Viewed as a whole, the range of final intervention actions, the timing of actions, the degree of state involvement in developing CAPs, the provision (or absence) of state assistance, even the language used to describe the identified districts all speak to the authority relations between the state and district. (for a discussion on how language shapes status relations see Edelman. [1974])

Three Models of State-District Authority Relations

The laws described above indicate different approaches to the use of state authority over school districts. In many ways, the relationship of a state to its districts is analogous to the authority relations between a district and its classroom teachers. In effect, state supervision is just supervision of a different order. Drawing on the educational administration literature, three prominent patterns of state-district relations are evident: authoritarian, collaborative, and democratic.

According to Hoy and Miskel, an "authoritarian" organizational structure emphasizes the authority imbued in law, organizational hierarchy, and bureaucracy over the authority granted by professional and technical competence (Hoy & Miskel, 1996). We find that laws like those in effect in New Jersey, Arkansas, Tennessee, and Mississippi roughly mimic the tone and substance of this power relationship. The authority of the state eclipses local control resulting in a relationship that is essentially authoritarian. The laws in Tennessee, Arkansas and New Jersey all require that states guide the development of CAPs. Also, two of these laws grant CSSO's broad discretionary powers (Mississippi, and Arkansas) that can be exercised throughout the intervention process.

New Jersey's law, on the other hand, prescribes a narrow course of action which culminates in the most punitive form of intervention referenced among all seventeen cases, e.g., replacement of the local board of education, the superintendent, all central office personnel, and the re-evaluation of building principals within six months. In fact, the laws of Tennessee, Arkansas and New Jersey are the only ones to allow for replacement as an intervention action.[4]

The collaborative (Glickman, 1981) model of supervision can best described as a power sharing, problem solving relationship. Supervisor and supervisee negotiate on common ground and share in the decision making process. Thus, while the supervisor's superior status is acknowledged, it does not stifle or impede the subordinate. This style is evident in the statutes of Ohio, Iowa, and South Carolina. According to all three laws, corrective action plans are developed by the district or in cooperation with the state. Time frames for implementation of plans are negotiated in both Iowa and Ohio. Also the options for final interventions among these states are relatively mild. Removal of the Superintendent is the most severe possible action allowed in South Carolina. Iowa has a provision for oversight of district personnel before functional replacement is permitted, and the Ohio law does not allow the state any greater power than oversight of the local board of education. In sum, the state-district power relations appear more equal than in the New Jersey, Tennessee, Arkansas, and Mississippi.

Finally, in the Missouri statute we encountered an intervention model that we term "democratic" because the substance and tenor of the law reinforces the authority imbued in the residents of a district and the professional competence of educators. Missouri's statute specified that teams of ten comprising of no less than 5 teachers, no more than 2 state department of education officials, and at least one superintendent from another district audit the district and develop CAPs. State department officials provide assistance to the district, if it is available during the two year implementation period. The final state intervention is removal followed by an election at which time residents can vote to change or retain members of the local board of education. Other states also include removal of board members and the electoral process as a final intervention option (Arkansas, North Carolina, Tennessee).

Anecdotal evidence suggests that authoritarian approaches to intervention generate conflict that impedes effective school reform (Hendrie, 1996). In Logan County, West Virginia, where an intervention considered to be successful was ended, authoritarian elements available in the law were moderated and conflict minimized (Hoff, 1997). This case suggests that the discretion built into some models can be beneficial. State authorities with broad discretion can use this flexibility to choose appropriate courses of action on a case by case basis. However, there is a danger they may use this discretion arbitrarily, basing decisions on political or personal considerations. Conversely, lack of discretion in laws with authoritarian elements may require state officials to take actions that amplify conflict and work against resolving problems. The strengths and weaknesses of different authority arrangements or the degree of discretion granted the state are areas that deserve further examination.

Conclusion: Directions for Further Study

The emergence of three recognizable models of state authority relations suggest that intervention laws themselves may contribute to the success or failure of intervention attempts. As more states, like Michigan, consider passing intervention laws (Hendrie, 1997) we see an immediate need to investigate the implementation of interventions and their impact on education in "deficient" districts. Research efforts should be concentrated on distinguishing successful from ineffective intervention models. This will require thorough, detailed studies of intervention procedures and their consequences in relation to a range of contextual variables at the district level.

Researchers should focus on a number of areas identified in our analysis. We need compare the ability of different configurations of district, expert-assisted, and state planning (i.e., the CAPs) to successfully address local problems. We need to explore what constitutes reasonable time frames for evaluation, planning, and implementation and consider whether some flexibility in them is necessary for responding to problems of different magnitudes. Most laws state time frames in fixed terms. We wonder whether short time limits for developing a plan (e.g., 60 days) undermines the ability of a district or state to respond to problems effectively. Similarly, what kinds of assistance (e.g., technical, financial) are useful and how should they be provided. Finally, what are reasonable grounds for returning control to districts? Meeting statewide standards? Progress toward standards? Should final interventions be limited through procedural means, e.g,. removal and elections, annexation? Or should states intervene at all without a clear exit strategy?

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[1] We were most interested in recently enacted intervention laws that grapple with the difficulties of raising student achievement in poorly performing districts because the solutions are less clear and more contentious. The problems of fiscal mismanagement or fraud suggest relatively clear remedies.

[2] We are aware of a state takeover in Roosevelt, New York in which a state management team disbanded the school board, but we did not find pertinent laws or regulations.

[3] The laws of Arkansas, Mississippi, Oklahoma and West Virginia provide a range of final intervention options, some of which have specified endpoints.

[4] This assertion only applies to the law. A recent Education Week noted that Logan County, WV was under the supervision of a state appointed superintendent.

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Table 1 - Matrix of Intervention process by State

		INITIAL PHASE			MIDDLE PHASE	
	Areas Addressed	Trigger	Interventions	Time frame	Interventions and Assistance	Time frame
AL	Academic performance	Testing results	District plan	2 yrs to develop and implement	CSSO plan with community assistance	1 yr to plan, 1 yr to implement
	Fiscal, Compliance with regulation	Desk monitoring	District plan with State assistance	none specified	None	
AR	Academic Performance	Testing results	District plan with State assistance	none specified	State Plan with expert assistance	6 mo to develop, none specified to implement
	Fiscal	"declining budget"				
FL	Academic performance	Testing results	District and School Plan with State approval, Waivers,	3 yrs to implement	State Board of Ed.	None specified
GA	Comprehensive	Failure of comprehensive monitoring	District plan	2 yrs to implement	None	n/a
IA	Compliance with regulation	Accreditation desk monitoring or Community Petition	Educator/State report	None specified	State and District cooperate to develop a plan	subject to negotiation
MA	Comprehensive w/etc clause	Failure to improve student performance in schools	Expert report ordered by State	90 days to write up the report	None	
MS	Compliance with regulations, Academic performance	Failure of Compliance Monitoring	State and District plan. State provides technical assistance with implementation.	Develop by end of school year, time frame to implement is negotiated	None	
MO	Academic performance,	Testing scores	District/State/ Educator report	none specified	District/State/Ed ucator plan	60 days to develop, 2 yrs to implement. State provides resources to aid with implementation, if

						available

	FINAL PHASE		
	Trigger	Interventions and Assistance	Conditions for release
AL	Failure to improve	Functional Replacement of Bd of Ed	initial area addressed raised to an "acceptable level"
AR	Failure to follow State plan	Waivers, Removal of Supt and/or Bd of Ed, Functional Replacement of Supt and/or Bd of Ed, Replacement of Supt and/or Bd of Ed, Annexation	none specified
FL	District fails to follow State plan	Governor gets Etc. clause to act within constitutional powers	none specified
GA	Failure to improve	Financial Threat Financial Penalty, Oversight or Temporary Replacement of any district official	not applicable, intervention has specified time limit
IA	Failure to improve	Oversight or Functional Replacement*	District progress toward meeting accreditation standards
IA step 2	Failure to comply with oversight or functional replacement	Functional Replacement of Supt and Bd of Ed or Annexation	none specified
MA	State board determines district is chronically under-performing.	Functional Replacement*	CSSO determines district is no longer under-performing
MS	Failure to improve Failure to implement or Extreme emergency situation	Financial Penalty, Functional Replacement of Supt and/or Bd of Ed, Student Transfer, Annexation	none specified
MO	Failure to improve	Removal of Bd of Ed, Suspension of tenure rights	not applicable, intervention has specified limit

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*Person(s) to be functionally replaced not specified

		INITIAL STAGE			MIDDLE STAGES	
	Areas Addressed	Trigger	Interventions	Time frame	Interventions and Assistance	Time frame
NJ	Comprehensive	Failure of Comprehensive monitoring	State's hired expert Report District Plan based on Expert Report*	none 60 days to develop, unspecified implementation period	Full expert report, if necessary State plan/admin. Order* State investigation	4 months 1 year none specified
NM	Academic performance, Administrative, Compliance with regulations	Failure of compliance monitoring				
NC	Academic performance Student behavior	Annual identification	District plan with State assistance	60 days to develop, 2 yrs to implement. State must offer technical assistance, waivers possible	None	
OH	Academic performance, Student behavior,	Annual monitoring	District plan, with state assistance and waivers, if asked	90 days to develop, 1 yr to implement	District/Expert plan District must pay	90 days to develop None specified to implement
OK **	Comprehensive, w/etc clause	Testing and others at Board discretion	State/School plan and contemporaneous final intervention	Develop by the end of the year, implement the next yr.	None	

* NJ - state provides assistance with implementation, must ensure TA is provided and can give financial support, if CSSO deems necessary

**OK - separate law for districts with 30,000 or more. 3 yrs to improve test scores, state will provide money and assess financial penalties if progress isn't made.

	FINAL STAGES		
	Trigger	Interventions and Assistance	Conditions for release
NJ	Identification of conditions that preclude improvement OR Failure to improve to state standard OR Failure to make "reasonable progress"	Replacement of Bd of Ed, Supt, & District personnel Evaluation of principals	Commissioner approval and certification
NM		Functional Replacement of Supt and Bd of Ed	none specified
NC	District fails to make satisfactory progress	Functional Replacement of Supt and/or Bd of Ed. Removal allowed	2 of the 3 conditions District eligible for accreditation, District reaches state average on report card, District dropout rate is within one standard deviation of state average.
OH	District rejects expert recommendations or fails to submit a plan before deadline	Oversight of Bd of Ed	Satisfactory progress or no longer deficient
OK	Same as initial	Transfer students Technical assistance Financial Assistance Functional Replacement of Supt and District personnel Annexation w/etc clause	none specified

*Person(s) to be functionally replaced not specified

		INITIAL STAGE			MIDDLE STAGES	
	Areas Addressed	Trigger	Interventions	Time frame	Interventions and Assistance	Time frame
SC	Compliance with regulations, Academic performance, Student behavior, w/etc clause	Standard Monitoring	State/District/ Expert report, becomes a plan with state approval	Develop by the end of the year, implement in 6 mo,	None	
TN	Academic performance, Student behavior,	Commissioner decision/district can rebutt	State plan	2 yrs to implement	None	
TX	Comprehensive w/etc. clause	Accreditation monitoring	District plan and contemporaneous broad discretion for Oversight and Functional replacement	1 yr to implement until strong interventions are possible in final stage	None	
WV	Comprehensive	Accreditation monitoring	District plan	1 yr to develop and implement	State appointed-Expert plan	60 days to develop 6 months to implement. CSSO to provide assistance on matters technical, financial or general administration.

	FINAL STAGES		
	Trigger	Interventions and Assistance	Conditions for release
SC	District fails to implement plan	Technical Assistance Financial Penalty Removal of Supt	Financial penalty—CSSO determines program is improved to standard Others— not applicable, intervention has specified time limit
TN	Failure to improve	Removal of Supt and/or Bd of Ed Replacement of Bd of Ed	not applicable, intervention has specified time limit
TX	Failure to improve in 1 or 2 years	Functional Replacement of Supt and/or Bd of Ed Annexation	improved student performance
WV	Failure of districts to make reasonable effort or submit plan	Oversight of Supt and/or Bd of Ed Functional Replacement of Supt and/or Bd of Ed Removal of Supt	Experts visit but release not specified

Table 2 – Areas Addressed

	Minimum Compliance with Regulations	Academic Performance	Student Behavior	Administrative or Fiscal	Et Cetera
AL	X	X		X	
AR		X		X	
FL		X			
GA	X	X	X	X	
IA	X				
MA	X	X	X	X	X
MS	X	X			
MO		X			
NJ	X	X	X	X	
NM	X	X		X*	
NC	X	X			
OH		X	X		
OK	X	X	X	X	X
SC	X	X	X		X
TN	X	X			
TX	X	X	X	X	X
WV	X	X	X	X	

*Only administrative

Table 3--Assistance

		Stages		
		Initial	Middle	Final
Technical	State	AL, AR, MS, NC, FL	NJ	OK,*** SC
	Expert	MS*		
Financial		MO,** NC		OK
Deregulatory		NC, OH		

*can solicit higher education expertise to assist in plan development

** subject to availability

***In Oklahoma, state has broad discretion and assistance is mentioned as one option

Table 4--Plans

	Phases	
	Initial	Middle
District-guided	AL, AR, GA, OH*, NC, TX, WV, NJ	OH
District-State-collaborative	MS, OK, SC	IA, MO,
State-guided	TN	AL, AR, FL, NJ**, WV***

*If requested
**2nd stage
***Expert report paid for by state

Table 5—Final Interventions

	States			
	Superintendent	Board of Ed.	Both	Not specified
Oversight	-	OH	GA, WV	IA
Removal	SC, WV, MO,	MO	AR, NC, TN	-
Functional Replacement	-	AL	AR, IA, MS, NM, NC, TX, OK**, WV	MA
Replacement	-	TN*	AR, NJ**	-
Financial Threat	GA			
Financial Penalty	GA, MS, SC			
Suspension of Tenure Rights	MO			
Annexation	AR, IA, MS, OK, TX			
Student Transfer	MS, OK			
Et cetera clause	FL, OK			

*CSSO can replace BOE if he/she removes all members. Otherwise local government replaces.
**Applies to all central office personnel.